ASSEMBLY — 37TH SESSION

REPORT OF THE TECHNICAL COMMISSION
ON
AGENDA ITEM 29

(Presented by the Chairman of the Technical Commission)

The attached report on Agenda Item 29 has been approved by the Technical Commission. Resolution 29/1 is recommended for adoption by the Plenary.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

(5 pages)

Agenda Item   29:   Report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP) under the comprehensive systems approach and Evolution of the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010

29.1   The Commission reviewed A37-WP/36, presented by the Council, containing a report on the implementation of the ICAO USOAP under the comprehensive systems approach. The working paper provided information on the audits and other activities of the programme between 2005 and 2010. The paper also highlighted the significant amount of information gathered under the USOAP that will be of great value in assessing the implementation status of ICAO Standards and Recommended Practices (SARPs) and the effective implementation by States of the critical elements of a safety oversight system.

29.2   The Commission reviewed A37-WP/37, also presented by the Council, which proposed a draft Assembly Resolution on the continuous monitoring approach (CMA). The CMA will involve the establishment of a system to monitor the safety oversight capability of Contracting States on an ongoing basis. It will also enable safety information sharing between ICAO and other interested stakeholders. A transition period to the CMA has been tentatively set at two years.

29.3   The Commission reviewed WP/235, presented by the Republic of Korea, which requested that ICAO review a suggestion for the provision of technical support to States for the enhancement of the CMA.

29.4   The Commission recalled that WP/81, presented by Belgium on behalf of the European Community and its Member States and by the other States Members of the European Civil Aviation Conference, supported the transition to a CMA. The Commission reviewed WP/107, presented by the United States, which also supported the evolution to a CMA.

29.5   The Commission reviewed WP/137, presented by AFCAC on behalf of 53 African States, which noted the information contained in WP/36 and WP/37 but expressed concern regarding the two-year timeframe for the transition to the CMA and called for a more flexible approach. The paper also called for actions to be taken to support African States.

29.6   During the ensuing discussion, the importance of providing general aviation safety information to the travelling public was highlighted. There was a suggestion that regional safety oversight organizations be integrated into the CMA and that quality assurance should be made a high priority under the new approach.

29.7   An information paper was provided by Cuba (A37-WP/150).

29.8   The Commission expressed unanimous support for the CMA and there was general support for the transition plan. The challenges faced by African States were acknowledged. The delegates were reminded that ACIP has been extended to cover the next triennium and that additional support is being provided to the ESAF and WACAF ICAO Regional Offices. Additional training for Regional Safety Officers is also planned through a workshop that will take place at the end of October and additional staff has been approved by the Secretary General in the area of flight safety to take up positions in the AFI Regional Offices.

29.9   In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution:

Resolution 29/1:   The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach

Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

Whereas safety oversight, and the safety of international civil aviation in general, is the responsibility of Contracting States, both collectively and individually, it also depends on the active collaboration of ICAO, Contracting States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under USOAP;

Whereas the High Level Safety Conference (HLSC) 2010 made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

Whereas the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

Recalling that the 32nd Session of the Assembly resolved that a Universal Safety Oversight Audit Programme (USOAP) be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

Whereas the implementation of the USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate contracting States' oversight capabilities and identify areas of improvement;

Recalling that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget;

Recalling the objectives of the USOAP, which seeks to ensure that Contracting States are adequately discharging their responsibilities for safety oversight;

Recognizing that it is essential that the USOAP continue to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

Recognizing that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing the safety enhancement contributions resulting from audits conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the European Aviation Safety Agency (EASA), International Air Transport Association (IATA) and European Organisation for the Safety of Air Navigation (EUROCONTROL);

Recognizing that transparency and the sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

Recognizing that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs.

The Assembly:

1.   *Expresses* its appreciation to the Secretary General on the successful implementation of the USOAP Comprehensive System Approach;

2.   *Directs* the Secretary General, from 1 January 2011, to evolve the USOAP to a continuous monitoring approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;

3.   *Directs* the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation,* and Annex 14 — *Aerodromes*;

4.   *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and the transparency of all aspects of the continuous monitoring process;

5.   *Directs the Council* to develop criteria for the sharing of SSCs with interested stakeholders and assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

6.   *Directs* the Secretary General to make all safety oversight-related information generated by the CMA available to all Contracting States through the ICAO restricted website;

7.   *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety; for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

8.   *Directs* the Secretary General to continue to enhance the Flight Safety Information Exchange (FSIX), for the purpose of facilitating the sharing of safety-critical information among Contracting States, industry and other stakeholders, as appropriate;

9.   *Calls* on all Contracting States able to do so to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully implement the Programme;

10.   *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP-CMA;

11.   *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept Continuous Monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP-CMA;

12.   *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;

13.   *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

14.   *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;

15.   *Directs* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USOAP-CMA; and

16.   *Declares* that Resolutions A35-6: *Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* and A36-4: *Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*, as well as articles one to six of A36-2: *Unified strategy to resolve safety-related deficiencies* have been superseded by this resolution.

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